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July 21, 2026

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<u>Via Online Filing</u>
<u>http://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html</u>
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<td>
<u>Via Certified Mail</u>
Walgreen Pharmacy Services Midwest, LLC
108 Wilmot Road
Deerfield, IL 60015

Walgreen Pharmacy Services Midwest, LLC
6570 Lone Tree Way,
Brentwood, CA 94513
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Subject: *Jeaneth Porteria v. Walgreen Pharmacy Services Midwest, LLC*

Dear Representative:

This office represents Jeaneth Cablay Porteria ("Plaintiff") in connection with Labor Code violation claims related to their employment with Walgreen Pharmacy Services Midwest, LLC ("Employer"). Employer can be contacted at:

Walgreen Pharmacy Services Midwest, LLC
108 Wilmot Road
Deerfield, IL 60015

Walgreen Pharmacy Services Midwest, LLC
6570 Lone Tree Way,
Brentwood, CA 94513

Plaintiff has personally suffered each of the Labor Code violations alleged in this letter while employed by Employer within the applicable one-year statute of limitations period. As such, Plaintiff intends to seek PAGA penalties on behalf of herself and all other non-exempt employees of Employer employed in California and who were subjected to any or all of the Labor Code violations referenced herein during the PAGA Period (together with Plaintiff, "Aggrieved Employees"). The PAGA Period begins one year prior to the date of this letter and, because the violations alleged herein are ongoing, the PAGA Period extends beyond the date of this letter.

In response to Labor Code violations alleged below, PAGA provides Employer with specific options to mitigate potential penalties:

Taking All Reasonable Steps to Be in Compliance:

Employer can reduce potential penalties to 15% of the maximum by demonstrating it has already taken all reasonable steps to be in compliance with all Labor Code provisions identified in this notice prior to receiving it. If Employer believes it has already taken all reasonable steps to be in compliance with all Labor Code provisions identified in this notice, Employer is encouraged to contact our office to set forth all reasonable steps taken.

If all reasonable steps are taken to be in compliance with all Labor Code provisions identified in this notice within 60 days after receiving it, penalties may be reduced to 30% of the maximum. If Employer intends to take all reasonable steps to be in compliance with all Labor Code provisions identified in this notice, Employer is encouraged to engage in good faith meet-and-confer discussions with our office regarding the alleged violations. Failure to do so may support a finding that all reasonable steps were not taken to comply with the Labor Code provisions identified herein.

Curing Violations:

For certain violations, Employer has the opportunity to fully cure the alleged violations to further reduce penalties or even avoid penalties altogether. Once again, we strongly encourage Employer to promptly initiate meet-and-confer discussions with our office as part of any compliance or cure efforts. Failure to do so may result in a cure that is insufficient.

Employer must notify both our office and the Labor and Workforce Development Agency (LWDA) of any steps taken towards compliance or any attempts to cure. Not only does this approach demonstrate a good faith attempt to come into compliance, but failure to do so could potentially support a finding that Employer's conduct was malicious, fraudulent, or oppressive, thereby leading to increased penalties pursuant to Labor Code section 2699(f)(2)(B).

All communications regarding this matter should be directed to:

Frontier Law Center
6200 Canoga Ave, Suite 470
Woodland Hills, CA 91367

This letter is sent pursuant to the requirements of Labor Code section 2699.3. The Labor Code violations being alleged are as follows:

Minimum Wage Violations

Labor Code section 1197 and the applicable Wage Order requires an employer to pay an employee no less than the minimum wage for all hours worked.

Employer failed to pay the Aggrieved Employees the minimum wage for all hours worked because the Aggrieved Employees were required to perform work while off the clock. Specifically, Employer failed to compensate the Aggrieved Employees for work-related phone calls made by supervisors after they had clocked out. Plaintiff's supervisor contacted Plaintiff on her personal cell phone regarding work matters after Plaintiff clocked out, on a near-daily basis, with calls lasting up to an hour. Plaintiff was not compensated for this off-the-clock time, and Defendants therefore did not pay Plaintiff at least minimum wage for each such hour worked.

Civil Penalties Applicable to Minimum Wage Violations

As a result of the above minimum wage violations, Employer is subject to the civil penalties listed in Labor Code sections 1197.1 and 2699.

Overtime Violations

Labor Code section 510 and the applicable Wage Order provides that an employee shall be paid one and one-half times their regular rate of pay for any work in excess of eight hours in one workday or 40 hours in any one workweek. Labor Code section 510 and the applicable Wage Order further provides that an employee shall be paid twice their regular rate of pay for any work in excess of 12 hours in one day.

Unpaid Overtime Due to Off the Clock Work

The Aggrieved Employees regularly worked in excess of eight hours in a day and 40 hours in a workweek. Since the Aggrieved Employees were required to perform work off the clock, it follows that this time was often overtime. Thus, the Aggrieved Employees were not paid all overtime wages owed.

Civil Penalties Applicable to Overtime Violations

As a result of the above overtime violations, Employer is subject to the civil penalties listed in Labor Code sections 558, 1197.1, and 2699.

Meal Break Violations

Labor Code section 512 and the applicable Wage Order provides that an employer shall not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, or more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes. Meal periods must be uninterrupted, and the employee must be relieved of all duty.

Labor Code section 226.7 further provides that an employee is entitled to one hour of pay at their regular rate of pay for each day that a compliant meal period was not provided.

Late or Short Meal Breaks

The Aggrieved Employees' meal breaks were regularly late because the Aggrieved Employees were assisting patients or because the pharmacy was short-staffed, causing their meal periods to be delayed.

Civil Penalties Applicable to Meal Break Violations

As a result of the above meal break violations, Employer is subject to the civil penalties listed in Labor Code sections 558 and 2699.

Unreimbursed Work Expenses

Labor Code section 2802 requires an employer to "indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties"

Here, the Aggrieved Employees incurred out-of-pocket expenses in connection with their employment, but these expenses were not reimbursed by Employer. Specifically, Employer failed to reimburse employees for necessary personal cell-phone use required for manager work calls.

Civil Penalties Applicable to Work Expense Violations

As a result of Employer's failure to reimburse all work-related expenses, Employer is subject to the civil penalties listed in Labor Code section 2699.

Wage Statement Violations

Labor Code section 226 requires an employer to provide wage statements to its employees which include, among other things, gross and net wages earned, total hours worked, and all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate. Employer failed to provide wage statements which accurately reflected this information.

Civil Penalties Applicable to Wage Statement Violations

As a result of the wage statement violations detailed above, Employer is subject to the civil penalties listed in Labor Code sections 226.3 and 2699.

Failure to Timely Pay Wages During Employment

Labor Code section 204 requires an employer to timely pay all wages earned by employees during their employment within the timeframes required by law.

Employer failed to timely pay the Aggrieved Employees all wages earned during employment because Employer did not pay them for all hours worked in the pay period in which those wages were earned. Specifically, Employer required the Aggrieved Employees to perform off-the-clock work, including work-related phone calls made by supervisors after employees had clocked out. Plaintiff's supervisor contacted Plaintiff on her personal cell phone regarding work matters after Plaintiff clocked out, on a near-daily basis, with calls lasting up to an hour. Plaintiff was not compensated for this off-the-clock time in the pay periods in which the work was performed. As a result, Defendants failed to timely pay Plaintiff and the Aggrieved Employees all wages due during employment.

Civil Penalties Applicable to Failure to Timely Pay Wages During Employment

As a result of the above failure to timely pay wages during employment, Employer is subject to civil penalties under Labor Code sections 204 and 2699.

Failure to Maintain Accurate Time Records

Labor Code section 1174 and the applicable Wage Order require an employer to maintain accurate records showing, among other things, when each employee begins and ends each work period, meal period, split-shift interval, and the total daily hours worked.

Employer failed to maintain accurate time records for the Aggrieved Employees because Employer did not record all hours worked. Specifically, Employer required the Aggrieved Employees to perform work off the clock, including work-related phone calls made by supervisors after employees had clocked out. Plaintiff's supervisor contacted Plaintiff on her personal cell phone regarding work matters after Plaintiff clocked out, on a near-daily basis, with calls lasting up to an hour. Because this off-the-clock work time was not recorded, Defendants failed to maintain accurate time records reflecting all hours worked by Plaintiff and the Aggrieved Employees.

Civil Penalties Applicable to Failure to Maintain Accurate Time Records

As a result of the above failure to maintain accurate time records, Employer is subject to civil penalties under Labor Code sections 1174.5 and 2699.

Suitable Seating Violation

Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable Wage Order. Specifically, section 1198 requires that "the standard conditions of labor fixed by the commission shall be the […] standard conditions of labor for employees. The employment of any employee […] under conditions of labor prohibited by the order is unlawful."

The applicable Wage Order provides that "[a]ll working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats." It further states that "[w]hen employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties."

Here, Employer did not provide the Aggrieved Employees with suitable seating as required by the Wage Order because Employer removed all chairs from the pharmacy and refused to allow chairs to be present, leaving the Aggrieved Employees with no seating whatsoever.

Civil Penalties Applicable to Suitable Seating Violations

As a result of the suitable seating violations detailed above, Employer is subject to the civil penalties listed in Labor Code section 2699.

Reservation of Rights

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through discovery and/or expert review, Plaintiff becomes aware of additional facts or theories of liability, they expressly reserve the right to revise these facts and/or add any new claims by amending and/or supplementing this letter or by adding applicable causes of action to the complaint which will relate back to the date of this letter.

Sincerely,

/s/

Mike Rachmann